

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EDDIE J. COMBS,

Petitioner,

V.

ARTHUR D. CURTIS, SPOKANE
COUNTY DISTRICT ATTORNEY, STEVE
TUCKER, and CLARK COUNTY
PROSECUTING ATTORNEYS OFFICE,

Respondents.

No. C11-5884 RBL/KLS

ORDER DIRECTING SUBSTITUTION OF PARTY

Mr. Combs has filed a proposed petition for writ of habeas corpus naming various individuals including the Spokane and Clark County prosecuting attorneys as Respondents. ECF No. 1-1. On December 16, 2011, Mr. Combs was ordered to pay the \$5.00 filing fee and to amend his petition to name the proper Respondent. ECF No. 8. Mr. Combs has paid the \$5.00 filing fee (TAC009420). He submitted a largely illegible “amended” petition, but refuses to name his current custodian because that custodian is not the custodian of the case for which he has filed his petition.

The proper respondent to a habeas petition is the “person who has custody over [the petitioner].” 28 U.S.C. § 2242; see also § 2243; *Brittingham v. United States*, 982 F.2d 378 (9th Cir. 1992); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). According to his petition, Mr. Combs is currently confined at the Coyote Ridge Corrections Center. The Superintendent of the Coyote Ridge Corrections Center is Jeffrey A. Uttecht. Although Mr. Combs believes that his

1 custodian, for purposes of his petition, is the person who had custody of him in 1990, this is
2 incorrect. After the petition is served on his current custodian, the Attorney General for the State
3 of Washington will file an answer to Mr. Combs' habeas petition on behalf of the State of
4 Washington regarding Mr. Combs' 1990 Clark County Superior Court sentence.

5 Accordingly, the Clerk of Court is directed to substitute Jeffrey A. Uttecht as the
6 Respondent in this action. The Clerk is also directed to docket Mr. Combs' proposed petition
7 (now docketed as ECF No. 1-1) as the petition under which this case shall proceed, and shall
8 send copies of this Order to Petitioner and counsel for Respondent.

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11 **DATED** this 27th day of January, 2012.

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14 Karen L. Strombom
United States Magistrate Judge